

1893-011 Chancery Causes: David Slomp & wife vs. Joseph Shuler & wife &
Lee Co.

Waddell, Barker, Morefield

CH-Estate Dispute

T-Property

To the Hon. H. S. K. Morison Judge of the Circuit
Court of Lee County Virginia:

Humbly complaining your Orator David Slump
and Caroline Slump his wife late Caroline Waddell
would respectfully represent, that Charles Waddell
late of said county of Lee about the month of February
1885 died, after making and publishing his last
will and testament, which was proven and duly
admitted to probate by the county court of Lee County,
at the April Term thereof for the year 1885, and an
attested copy thereof is herewith filed as a part hereof
marked (A)

Complainants state that said Charles Waddell at
his death was the owner of two small tracts or parcels
of land lying close to, but not adjoining each other
on the north side of Stockers Knob. in said county of Lee
and the two tracts are estimated to contain about 150 acres

Complainants further state that the said Charles Waddell
at his death, left a widow surviving him whose name
was Elizabeth Waddell and he also left 8 children
by the said Elizabeth, whose names are as follows first
Caroline, now the wife of David Slump, (the Poff) Martha F.
now the wife of Samuel Barker, George F. Waddell, Charles
W. Waddell, Marion A. Waddell, Cora E, now the wife of
Joseph Shuler, Cornelia N. now the wife of Charles
Morfield, and Samuel F. Waddell, the last three of whom
first Cora E. Shuler, Cornelia N. Morfield and Samuel F.
Waddell are now infants under 21 years of age;

Complainants further state that the said Charles Huddell by his last will and testament Willed and devised to his widow Elizabeth Huddell the use and occupation of all his real and personal estate after the payment of debts during her natural life or widowhood, and at her death or subsequent marriage, to said 8 children by her, whose names are given in the foregoing part of this bill.

Complainants further state, that the widow the said Elizabeth Huddell died about the 20th day of October 1892 so that said two parcels of land is now unincumbered by her life estate therein.

Complainants further state that David Skane the Male Poff has purchased, and is now the owner of the undivided interests of Samuel Barker & Martha N. Barker, George T. Huddell² Charles W. Huddell³, Maxim A. Huddell⁴ in said two tracts of land, and that he has also contracted for the undivided interest of the said Samuel F. Huddell therein, but as the latter is not 21 years old he cannot dispose of the same, and hence he is still the legal owner thereof.

Complainants state that Joseph Shuler has contracted for the undivided interest of the said Charles Moorfield and Cornelia N. Moorfield therein, but as the latter is still under 21 years of age, the said contract cannot now be consummated and she must still be considered as the owner of one eighth thereof although her husband. Charles Moorfield has conveyed by deed to said Shuler such interest as he had therein.

Complainants further state, that from what has now been

stated the following facts will appear manifest, that is to say, that the female plaintiff is entitled in her own right to one eighth of said two pieces of land, that the male plaintiff is entitled to four eighths, or one half thereof by virtue of his four purchasers, from Samuel Bucknidge George F. Waddell, Charles W. Waddell & Merim N. Waddell that Samuel F. Waddell is entitled to $\frac{1}{8}$, and that Cora E. Shuler wife of Joseph Shuler and Cornelia N. Moorfield wife of Charles Moorfield are each entitled to $\frac{1}{8}$ thereof;

Complainants further state that said two tracts of land is known in the neighborhood as the upper & lower tracts and that by a mutual arrangement between the parties interested, the plaintiffs are to have their shares in a body together, laid out to them in the upper tract, that the share of Samuel F. Waddell shall be laid off to him adjoining the 5 shares of the Peffs, and that the shares of Cora E. Shuler and Cornelia N. Moorfield shall be laid out to them adjoining each other, out of the lower tract near the river and to attain such a partition of said lands is the object of this bill

The premises considered Complainants pray that the said Samuel Shuler and Cora E. Shuler, Charles Moorfield and Cornelia N. Moorfield and Samuel F. Waddell be made defendants to this bill and be required to answer the same fully on oath, that a guardian ad litem be appointed for Cora E. Shuler Cornelia N. Moorfield and Samuel F. Waddell to defend their interest in this suit and upon a hearing of the cause a decree be entered herein ordering a partition of

David Shumpacker

vs. $\frac{1}{3}$ Bill Chy. for Partition

Joseph Shuler vs. et al.

1893 1st Febry Rules Bill filed

Spa accepted by ^{court} Dfts. And
Ls. A. L. filed + S. Rose

" 2nd Febry Rules D. nisi confer
+ Cause set for hearing
by Plaintiffs

" March Decree entered

" June Decree final

O. V. 495

Corrected Tax
ation of costs

Shumpacker \$37.21 $\frac{7}{8}$

Shular 7.45 $\frac{3}{4}$

Morefield 7.45 $\frac{3}{4}$

Sam Waddle 7.45 $\frac{3}{4}$

\$59.58

C	13.07	Paish
S. A. L	5.00	Paish
A	15.00	Paish
Curro	22.50	Paish
Co C	2.93	
	<u>\$58.50</u>	Paish

Shumpacker $\frac{5}{8} = 36$

Shular " $\frac{1}{8} = 7.51 \frac{1}{4}$

Morefield " $\frac{1}{8} = 7.31 \frac{1}{4}$

Sam Waddle $\frac{1}{8} = 7.31 \frac{1}{4}$

Filed June 1st 1893 \$58.50

said lands, as herein stated, and if in any wise mistaken
in this his special power, then Confidentially for all
general relief May the Commissioner writ of Habeas
corpus be

Henry J. Hargrave Solicitor for Bill